

AMENDED IN ASSEMBLY APRIL 26, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2855

Introduced by Assembly Members ~~Nunez~~ and Member Laird

February 20, 2004

An act to amend ~~Section 48262 of the Education Code~~ Sections 32282, 35295, 35296, 42140, 48260.5, 48262, 48900.1, 48910, and 51230 of, and to repeal Sections 38132 and 48214 of the Education Code, to amend Sections 6550 and 6552 of the Family Code, and to amend Sections 124100 and 124105 of the Health and Safety Code, relating to ~~truancy~~ education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2855, as amended, ~~Nunez~~ Laird. ~~Habitual truants Education:~~ policies.

(1) Existing law makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires a school safety plan to include specified contents, relating to school safety.

Other existing law requires the governing board of each school district and the county superintendent of schools of each county to establish an earthquake emergency procedure system in every public school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. Existing law requires the system to include a program to ensure that pupils and staff are properly trained in the earthquake emergency procedure system. Existing law also requires the governing board of a school district to grant the use

of school buildings, grounds, and equipment to public agencies for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

This bill would require a school district or county office to include the earthquake emergency procedure system and the disaster policy in its comprehensive school safety plan. This bill would make the training requirement of the earthquake emergency procedure system permissive, rather than mandatory.

(2) Under existing law, if a school district or county office of education provides health and welfare benefits for employees upon their retirement and those benefits will continue after the employees reach 65 years of age, the superintendent of the school district or county superintendent of schools, as applicable, is required annually to provide information to the governing board of the school district or the county board of education regarding the estimated accrued but unfunded cost of those benefits, as specified.

This bill would make those requirements inoperative on January 1, 2005.

(3) Existing law authorizes the governing board of a school district to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases. Existing law requires the governing board to adopt rules and regulations governing periodic reviews of its decisions to exclude children from school.

This bill would repeal the requirement that the governing board adopt those rules and regulations.

(4) Existing law requires a school district to notify the parent or guardian of a pupil with certain information when that pupil is initially classified as a truant.

This bill, instead, would authorize the school district to provide that notification.

Existing

(5) Existing law deems a pupil an habitual truant if the pupil has been reported as a truant 3 or more times per school year, except that a pupil may not be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with the pupil and a parent or guardian of the pupil.

This bill, instead, would provide that before a pupil who has been reported as a truant 3 or more times per school year, is deemed a habitual truant, the school district may direct an appropriate district officer or

employee to make a conscientious effort to hold at least one conference with the pupil and a parent or guardian of the pupil.

(6) *Existing law requires the governing board of each school district to adopt a policy authorizing teachers to permit the parent or guardian of a pupil who has been suspended by the teacher to attend a portion of a schoolday in the classroom of that pupil.*

This bill, instead, would authorize the governing board to adopt that policy.

(7) *Existing law requires a school counselor or school psychologist to attend a parent-teacher conference regarding the suspension of a pupil.*

This bill instead would authorize a school counselor or school psychologist to attend that conference.

(8) *Existing law requires all pupils, as part of the course in American government and civics required for high school graduation, to read and be taught specified documents, including, among others, the Declaration of Independence, the United States Constitution, and the Gettysburg Address.*

This bill, instead, would require the state content standards adopted by the State Board of Education for high school American government and civics to include those documents. The bill would also require the portion of the California Standards Tests that assesses a pupil's knowledge of high school American government and civics to include questions on those documents.

(9) *Existing law deems a pupil to have complied with the residency requirements for school attendance in a school district if the pupil meets specified requirements, including, among others, that the pupil lives in the home of a caregiving adult that is located within the boundaries of that school district. Existing law contains a caregiver's authorization affidavit which, when completed and signed by a caregiver 18 years of age or older, authorizes the caregiver to enroll the minor in school and consent to school-related medical care on behalf of the minor. Under existing law, the affidavit is not valid for more than one year after the date on which it is executed.*

This bill would eliminate the one-year expiration date for the affidavit.

(10) *Existing law requires every school district or private school that has children enrolled in the 1st grade to report by January 15 of each year to the county child health and disability prevention program, the State Department of Health Services, and the Department of Education*



on the total number of children enrolled in the 1st grade, the number of children who have had a health screening examination, and the number of children whose parents or guardian have a given written waiver of the examination. Existing law requires the Department of Health Services to compile the district information and report annually to the Legislature the percentage levels of compliance with the health screening and waiver requirements.

This bill would eliminate all of those reporting requirements.

(11) Existing law provides that no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed specified courses, including 2 courses in science. Prior law required a pupil to complete only one course in science to receive a diploma.

This bill would provide that for purposes of calculating the amount of the state reimbursement for the state-mandated local program imposed by increasing the science course requirement from one science course to 2 science courses, if the school district or county office claims reimbursement for a new science facility, the reimbursement shall be reduced by the amount of state bond funds, if any, received by the school district or county office to construct the new science facility.

(12) Existing law requires the governing board of a school district maintaining an elementary or secondary school to develop and cause to be implemented for each school in the school district a school accountability report card that includes specified information regarding the academic achievement of the school. Other existing law establishes the Standardized Testing and Reporting (STAR) Program which requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test and a standard based achievement test, as specified.

This bill would require the Commission on State Mandates, on or before December 31, 2005, to reconsider certain decisions it issued relating to state reimbursement for the school accountability report card and the STAR Program, and to reconsider its parameters and guidelines for calculating the state reimbursement, in light of federal statutes enacted and state court decisions rendered since those mandates were enacted.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. *Section 32282 of the Education Code is amended to read:*

32282. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A district or county office may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure system.

(A) The system shall include, but not be limited to, all of the following:

(i) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(ii) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice may be held one or more times each school quarter in elementary schools and one or more times a semester in secondary schools.

(iii) Protective measures to be taken before, during, and following an earthquake.

(B) The system may include a program to ensure that pupils and that both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(3) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The district or county office shall cooperate with the public agency in furnishing and maintaining the services as the district or county office may deem necessary to meet the needs of the community.

(4) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to

1 school safety, which shall include the development of all of the
2 following:

3 (A) Child abuse reporting procedures consistent with Article
4 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
5 Penal Code.

6 (B) Disaster procedures, routine and emergency including, but
7 not limited to, adaptations for pupils with disabilities in
8 accordance with the American with Disabilities Act of 1990 (42
9 U.S.C. Sec. 12101 et seq.).

10 (C) Policies pursuant to subdivision (d) of Section 48915 for
11 pupils who committed an act listed in subdivision (c) of Section
12 48915 and other school-designated serious acts which would lead
13 to suspension, expulsion, or mandatory expulsion
14 recommendations pursuant to Article 1 (commencing with
15 Section 48900) of Chapter 6 of Part 27.

16 (D) Procedures to notify teachers of dangerous pupils pursuant
17 to Section 49079.

18 (E) A discrimination and harassment policy consistent with the
19 prohibition against discrimination contained in Chapter 2
20 (commencing with Section 200) of Part 1.

21 (F) The provisions of any schoolwide dress code, pursuant to
22 Section 35183, that prohibits pupils from wearing “gang-related
23 apparel,” if the school has adopted ~~such~~ *that type of* a dress code.
24 For those purposes, the comprehensive school safety plan shall
25 define “gang-related apparel.” The definition shall be limited to
26 apparel that, if worn or displayed on a school campus, reasonably
27 could be determined to threaten the health and safety of the school
28 environment. Any schoolwide dress code established pursuant to
29 this section and Section 35183 shall be enforced on the school
30 campus and at any school-sponsored activity by the principal of
31 the school or the person designated by the principal. For the
32 purposes of this paragraph, “gang-related apparel” shall not be
33 considered a protected form of speech pursuant to Section 48950.

34 (G) Procedures for safe ingress and egress of pupils, parents,
35 and school employees to and from school.

36 (H) A safe and orderly environment conducive to learning at
37 the school.

38 (I) The rules and procedures on school discipline adopted
39 pursuant to Sections 35291 and 35291.5.



(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the partnership as authorized by Section 32285.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee ~~no less~~, *but not more* than once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 32288.

SEC. 2. Section 35295 of the Education Code is amended to read:

35295. The Legislature finds and declares the following:

(a) Because of the generally acknowledged fact that California will experience moderate to severe earthquakes in the foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported.

(b) In order to minimize loss of life and disruption, it is necessary for all ~~public or~~ private elementary schools and high schools to develop school disaster plans and specifically an earthquake emergency procedure system so that ~~students~~ *pupils*

1 and staff will act instinctively and correctly when an earthquake
2 disaster strikes.

3 (c) It is therefore the intent of the Legislature in enacting this
4 article to authorize the establishment of earthquake emergency
5 procedure systems in kindergarten and grades 1 through 12 in all
6 ~~the public or private schools in California.~~

7 *SEC. 3. Section 35296 of the Education Code is amended to*
8 *read:*

9 35296. ~~The governing board of each school district and the~~
10 ~~county superintendent of schools of each county shall establish an~~
11 ~~earthquake emergency procedure system in every public school~~
12 ~~building under its jurisdiction having an occupant capacity of 50~~
13 ~~or more pupils or more than one classroom. The governing board~~
14 ~~of each private school shall establish an earthquake emergency~~
15 ~~procedure system in every private school building under its~~
16 ~~jurisdiction having an occupant capacity of 50 or more pupils or~~
17 ~~more than one classroom. Governing boards and county~~
18 ~~superintendents~~ A governing board may work with the Office of
19 Emergency Services and the Seismic Safety Commission to
20 develop and establish the earthquake emergency procedure
21 systems.

22 *SEC. 4. Section 38132 of the Education Code is repealed.*

23 ~~38132. Notwithstanding Section 38134, the governing board~~
24 ~~of any school district shall grant the use of school buildings,~~
25 ~~grounds, and equipment to public agencies, including the~~
26 ~~American Red Cross, for mass care and welfare shelters during~~
27 ~~disasters or other emergencies affecting the public health and~~
28 ~~welfare. The governing board shall cooperate with these agencies~~
29 ~~in furnishing and maintaining such services as the governing board~~
30 ~~may deem necessary to meet the needs of the community.~~

31 *SEC. 5. Section 42140 of the Education Code is amended to*
32 *read:*

33 42140. (a) If a school district or county office of education,
34 either individually or as a member of a joint powers agency,
35 provides health and welfare benefits for employees upon their
36 retirement, and those benefits will continue after the employees
37 reach 65 years of age, the superintendent of the school district or
38 county superintendent of schools, as appropriate, annually shall
39 provide information to the governing board of the school district
40 or the county board of education, as appropriate, regarding the

1 estimated accrued but unfunded cost of those benefits. The
2 estimate of cost shall be based upon an actuarial report that
3 incorporates annual fiscal information and is obtained by the
4 superintendent at least every three years. The actuarial report shall
5 be performed by an actuary who is a member of the American
6 Academy of Actuaries. If the school district or county office of
7 education regularly contracts for an actuarial report for other fiscal
8 matters, a separate actuarial report is not required, if the estimate
9 of costs required by this subdivision is separately and clearly set
10 forth in that report.

11 (b) The cost information required by subdivision (a) and a copy
12 of the actuarial report on which the estimated costs are based shall
13 be presented by the superintendent at a public meeting of the
14 governing board. At that meeting, the governing board shall
15 disclose, as a separate agenda item, whether or not it will reserve
16 a sufficient amount of money in its budget to fund the present value
17 of the health and welfare benefits of existing retirees or the future
18 cost of employees who are eligible for benefits in the current fiscal
19 year, or both.

20 (c) The governing board annually shall certify to the county
21 superintendent of schools the amount of money, if any, that it has
22 decided to reserve in its budget for the cost of those benefits, and
23 shall submit to the county superintendent of schools any budget
24 revisions that may be necessary to account for that budget reserve.

25 (d) The county board of education annually shall certify to the
26 Superintendent of Public Instruction the amount of money, if any,
27 that has been reserved in the budget of the county office of
28 education for the cost of those benefits.

29 (e) *This section is inoperative on January 1, 2005.*

30 *SEC. 6. Section 48214 of the Education Code is repealed.*

31 ~~48214. The governing board of a school district shall adopt~~
32 ~~rules and regulations governing periodic reviews of its decisions~~
33 ~~to exclude children from attendance pursuant to Sections 48211~~
34 ~~and 48212.~~

35 *SEC. 7. Section 48260.5 of the Education Code is amended to*
36 *read:*

37 48260.5. Upon a pupil's initial classification of a pupil as
38 a truant, the school district shall may notify the pupil's parent or
39 guardian of the pupil, by first-class mail or other reasonable means,
40 of the following:

1 (a) That the pupil is truant.

2 (b) That the parent or guardian is obligated to compel the
3 attendance of the pupil at school.

4 (c) That parents or guardians who fail to meet this obligation
5 may be guilty of an infraction and subject to prosecution pursuant
6 to Article 6 (commencing with Section 48290) of Chapter 2 of Part
7 27.

8 (d) That alternative educational programs are available in the
9 district.

10 (e) That the parent or guardian has the right to meet with
11 appropriate school personnel to discuss solutions to the ~~pupil's~~
12 *truancy of the pupil*.

13 (f) That the pupil may be subject to prosecution under Section
14 48264.

15 (g) That the pupil may be subject to suspension, restriction, or
16 ~~delay of the pupil's driving privilege~~ *privileges* pursuant to Section
17 13202.7 of the Vehicle Code.

18 (h) That it is recommended that the parent or guardian
19 accompany the pupil to school and attend classes with the pupil for
20 one day.

21 *SEC. 8.* Section 48262 of the Education Code is amended to
22 read:

23 48262. Before a pupil, who has been reported as a truant three
24 or more times per school year, is deemed an habitual truant, the
25 school district may direct an appropriate district officer or
26 employee to make a conscientious effort to hold at least one
27 conference with the pupil and a parent or guardian of the pupil,
28 after the filing of either of the reports required by Section 48260
29 or Section 48261.

30 *SEC. 9.* *Section 48900.1 of the Education Code is amended to*
31 *read:*

32 48900.1. (a) The governing board of each school district
33 ~~shall may~~ adopt a policy authorizing teachers to ~~provide that~~
34 *require* the parent or guardian of a pupil who has been suspended
35 by a teacher pursuant to Section 48910 for reasons specified in
36 subdivision (i) or (k) of Section 48900, *to* attend a portion of a
37 schoolday in *the classroom of his or her child's child or ward's*
38 ~~classroom~~ *ward*. The policy shall take into account reasonable
39 factors that may prevent compliance with a notice to attend. The

attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.

(b) The policy shall be adopted pursuant to the procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom.

The adopted policy shall include the procedures that the district will follow to accomplish the following:

(1) Ensure that parents or guardians who attend school for the purposes of this section meet with the school administrator or his or her designee after completing the classroom visitation and before leaving the schoolsite.

(2) Contact parents or guardians who do not respond to the request to attend school pursuant to this section.

(c) If a teacher imposes the procedure pursuant to subdivision (a), the principal shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. This section shall apply only to a parent or guardian who is actually living with the pupil.

(d) A parent or guardian who has received a written notice pursuant to subdivision (c) shall attend class as specified in the written notice. The notice may specify that the ~~parent's or guardian's attendance~~ *attendance of the parent or guardian* be on the day ~~in which~~ the pupil is scheduled to return to class, or within a reasonable period of time thereafter, as established by the policy of the board adopted pursuant to subdivision (a).

SEC. 10. Section 48910 of the Education Code is amended to read:

48910. (a) A teacher may suspend any pupil from ~~the teacher's~~ class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the ~~principal's~~ *designee of the principal* for appropriate action. If that action requires the continued presence of the pupil at the ~~school site~~ *schools*, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a

1 parent-teacher conference regarding the suspension. ~~Whenever~~ If
2 practicable, a school counselor or a school psychologist ~~shall~~ may
3 attend the conference. A school administrator shall attend the
4 conference if the teacher or the parent or guardian so requests. The
5 pupil shall not be returned to the class from which he or she was
6 suspended, during the period of the suspension, without the
7 concurrence of the teacher of the class and the principal.

8 (b) A pupil suspended from a class shall not be placed in
9 another regular class during the period of suspension. However, if
10 the pupil is assigned to more than one class per day this subdivision
11 shall apply only to other regular classes scheduled at the same time
12 as the class from which the pupil was suspended.

13 (c) A teacher may also refer a pupil, for any of the acts
14 enumerated in Section 48900, to the principal or the ~~principal's~~
15 designee *of the principal* for consideration of a suspension from
16 the school.

17 *SEC. 11. Section 51230 of the Education Code is amended to*
18 *read:*

19 51230. ~~As a part of the course in American government and~~
20 ~~civics required for high school graduation pursuant to~~
21 ~~subparagraph (D) of paragraph (1) of subdivision (a) of Section~~
22 ~~51225.3, all pupils shall read and be taught all of the following:~~

23 (a) *The state content standards adopted by the State Board of*
24 *Education pursuant to Section 60605 for high school American*
25 *government and civics shall include the following original source*
26 *documents from American history:*

27 (1) The Declaration of Independence.

28 ~~(b)~~

29 (2) The United States Constitution, including the Bill of
30 Rights.

31 ~~(c)~~

32 (3) Substantive selections from the Federalist Papers.

33 ~~(d)~~

34 (4) The Emancipation Proclamation.

35 ~~(e)~~

36 (5) The Gettysburg Address.

37 ~~(f)~~

38 (6) George Washington's Farewell Address.

39 (b) *The portion of the California Standards Tests developed*
40 *pursuant to Section 60642.5 that assesses a pupil's knowledge of*

1 *high school American government and civics shall include*
2 *questions on the original source documents listed in subdivision*
3 *(a). The State Board of Education shall approve the number and*
4 *types of questions included on the tests.*

5 *SEC. 12. Section 6550 of the Family Code is amended to read:*

6 6550. (a) A caregiver's authorization affidavit that meets the
7 requirements of this part authorizes a caregiver 18 years of age or
8 older who completes items ~~1-4~~ *1 to 4, inclusive*, of the affidavit
9 provided in Section 6552 and signs the affidavit to enroll a minor
10 in school and consent to school-related medical care on behalf of
11 the minor. A caregiver who is a relative and who completes items
12 ~~1-8~~ *1 to 8, inclusive*, of the affidavit provided in Section 6552 and
13 signs the affidavit shall have the same rights to authorize medical
14 care and dental care for the minor that are given to guardians under
15 Section 2353 of the Probate Code. The medical care authorized by
16 this caregiver who is a relative may include mental health
17 treatment subject to the limitations of Section 2356 of the Probate
18 Code.

19 (b) ~~The affidavit shall not be valid for more than one year after~~
20 ~~the date on which it is executed.~~

21 (c) ~~The decision of a caregiver to consent to or to refuse~~
22 ~~medical or dental care for a minor shall be superseded by any~~
23 ~~contravening decision of the parent or other person having legal~~
24 ~~custody of the minor, provided the decision of the parent or other~~
25 ~~person having legal custody of the minor does not jeopardize the~~
26 ~~life, health, or safety of the minor.~~

27 ~~(d) No~~

28 (c) A person who acts in good faith reliance on a caregiver's
29 authorization affidavit to provide medical or dental care, without
30 actual knowledge of facts contrary to those stated on the affidavit,
31 is *not* subject to criminal liability or to civil liability to any person,
32 ~~or is and is not~~ subject to professional disciplinary action, for ~~such~~
33 *that* reliance if the applicable portions of the affidavit are
34 completed. *This*

35 ~~This subdivision shall apply~~ *applies* even if medical or dental
36 care is provided to a minor in contravention of the wishes of the
37 parent or other person having legal custody of the minor as long
38 as the person providing the medical or dental care has no actual
39 knowledge of the wishes of the parent or other person having legal
40 custody of the minor.

1 ~~(e)~~

2 (d) A person who relies on the affidavit has no obligation to
3 make any further inquiry or investigation.

4 ~~(f)~~

5 (e) Nothing in this section ~~shall relieve~~ *relieves* any individual
6 from liability for violations of other provisions of law.

7 ~~(g)~~

8 (f) If the minor stops living with the caregiver, the caregiver
9 shall notify any school, health care provider, or health care service
10 plan that has been given the affidavit.

11 ~~(h)~~

12 (g) A caregiver's authorization affidavit shall be invalid,
13 unless it substantially contains, in not less than 10-point boldface
14 type or a reasonable equivalent thereof, the warning statement
15 beginning with the word "warning" specified in Section 6552.
16 The warning statement shall be enclosed in a box with 3-point rule
17 lines.

18 ~~(i)~~

19 (h) For purposes of this part, *the following terms have the*
20 *following meanings:*

21 (1) "Person" includes an individual, corporation, partnership,
22 association, the state, or any city, county, city and county, or other
23 public entity or governmental subdivision or agency, or any other
24 legal entity.

25 (2) "Relative" means a spouse, parent, stepparent, brother,
26 sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt,
27 niece, nephew, first cousin, or any person denoted by the prefix
28 "grand" or "great," or the spouse of any of the persons specified
29 in this definition, even after the marriage has been terminated by
30 death or dissolution.

31 (3) "School-related medical care" means medical care that is
32 required by state or local governmental authority as a condition for
33 school enrollment, including immunizations, physical
34 examinations, and medical examinations conducted in schools for
35 pupils.

36 *SEC. 13. Section 6552 of the Family Code is amended to read:*
37 *6552. The caregiver's authorization affidavit shall be in*
38 *substantially the following form:*
39

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1–4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5–8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____.

2. Minor's birth date: _____.

3. My name (adult giving authorization): _____.

4. My home address: _____
_____.



5. ?? I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of “qualified relative”).

6. Check one or both (for example, if one parent was advised and the other cannot be located):

?? I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

?? I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California’s driver’s license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor’s parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

~~3. This affidavit is not valid for more than one year after the date on which it is executed.~~

Additional Information:

TO CAREGIVERS:

1. “Qualified relative,” for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.

4. If you do not have the information requested in item 8 (California driver’s license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1
2
3 1. Section 48204 of the Education Code provides that this
4 affidavit constitutes a sufficient basis for a determination of
5 residency of the minor, without the requirement of a guardianship
6 or other custody order, unless the school district determines from
7 actual facts that the minor is not living with the caregiver.

8
9
10 2. The school district may require additional reasonable
11 evidence that the caregiver lives at the address provided in item 4.

12
13
14 TO HEALTH CARE PROVIDERS AND HEALTH CARE
15 SERVICE PLANS:

16
17
18 1. ~~No~~ A person who acts in good faith reliance upon a caregiver's
19 authorization affidavit to provide medical or dental care, without
20 actual knowledge of facts contrary to those stated on the affidavit,
21 is *not* subject to criminal liability or to civil liability to any person,
22 ~~or~~ and is *not* subject to professional disciplinary action, for ~~such~~
23 *that* reliance if the applicable portions of the form are completed.

24
25
26 2. This affidavit does not confer dependency for health care
27 coverage purposes.

28
29 *SEC. 14. Section 124100 of the Health and Safety Code is*
30 *amended to read:*

31 124100. (a) In cooperation with the county child health and
32 disability prevention program, the governing body of every school
33 district or private school that has children enrolled in kindergarten
34 shall provide information to the parents or guardians of all children
35 enrolled in kindergarten of this article and Section 120475. ~~Every~~
36 ~~school district or private school that has children enrolled in the~~
37 ~~first grade shall report by January 15 of each year to the county~~
38 ~~child health and disability prevention program, the department,~~
39 ~~and the Department of Education the following information:~~

40 ~~(1) The total number of children enrolled in first grade.~~

1 ~~(2) The number of children who have had a health screening~~
2 ~~examination, as evidenced by the certificate required by Section~~
3 ~~124085.~~

4 ~~(3) The number of children whose parents or guardian have~~
5 ~~given written waiver pursuant to Section 124085 that they do not~~
6 ~~want their child to receive a health screening examination.~~

7 (b) Each county child health and disability prevention program
8 shall reimburse school districts for information provided pursuant
9 to this section. The Superintendent of Public Instruction may
10 withhold state average daily attendance funds to any school district
11 for any child for whom a certification or parental waiver is not
12 obtained *as required by Section 124085*.

13 *SEC. 15. Section 124105 of the Health and Safety Code is*
14 *amended to read:*

15 124105. (a) This section shall be known and may be cited as
16 the “Hughes Children’s Health Enforcement Act.”

17 (b) The Legislature recognizes the importance of health to
18 learning and to a successful academic career. The Legislature also
19 recognizes the important role of schools in ensuring the health of
20 pupils through health education and the maintenance of minimal
21 health standards among the pupil population. Therefore, it is the
22 intent of the Legislature that schools ensure that pupils receive a
23 health screening before the end of the first grade.

24 ~~(c) The department shall compile district information, using~~
25 ~~the information reported pursuant to Section 124100, and report~~
26 ~~to the Legislature the percentage levels of compliance with Section~~
27 ~~124085 on an annual basis commencing January 1, 1994, utilizing~~
28 ~~data from the prior school year.~~

29 ~~(d)~~ The governing board of each school district shall exclude
30 from school, for not more than five days, any first grade pupil who
31 has not provided either a certificate or a waiver, as specified in
32 Section 124085, on or before the 90th day after the pupil’s entrance
33 into the first grade. The exclusion shall commence with the 91st
34 calendar day after the pupil’s entrance into the first grade, unless
35 school is not in session that day, then the exclusion shall commence
36 on the next succeeding schoolday. A child shall not be excluded
37 under this section if the pupil’s parent or guardian provides to the
38 district either a certificate or a waiver as specified in Section
39 124085.

40 ~~(e)~~

1 (d) The governing board of a school district may exempt any
2 pupil from the exclusion described in subdivision ~~(d)~~ (c) if, at least
3 twice between the first day and the 90th day after the pupil's
4 entrance into the first grade, the district has contacted the pupil's
5 parent or guardian and the parent or guardian refuses to provide
6 either a certificate or a waiver as specified in Section 124085. The
7 number of exemptions from exclusion granted by a school district
8 pursuant to this subdivision may not exceed 5 percent of a school
9 district's first grade enrollment. It is the intent of the Legislature
10 that exemptions from exclusion be used in extraordinary
11 circumstances, including, but not limited to, family situations of
12 great dysfunction or disruption, ~~such as~~ including substance abuse
13 by parents or guardians, child abuse, or child neglect.

14 ~~(f)~~

15 (e) It is the intent of the Legislature that, upon a pupil's
16 enrollment in kindergarten or first grade, the governing board of
17 the school district notify the pupil's parent or guardian of the
18 obligation to comply with Section 124085 and of the availability
19 for low-income children of free health screening for up to 18
20 months prior to entry into first grade through the Child Health
21 Disabilities Prevention Program.

22 ~~(g)~~

23 (f) It is the intent of the Legislature that school districts provide
24 information to parents regarding the requirements of Section
25 124085 within the notification of immunization requirements.
26 Moreover, the Legislature intends that the information sent to
27 parents encourage parents to obtain health screenings
28 simultaneously with immunizations.

29 *SEC. 16. Notwithstanding any other law, for purposes of*
30 *calculating the amount of the state reimbursement pursuant to*
31 *Section 6 of Article XIII B of the California Constitution for the*
32 *state-mandated local program imposed by increasing the science*
33 *course requirement for graduation from one science course to two*
34 *science courses (Sec. 94, Ch. 498, Stats. 1983), if the school*
35 *district or county office claims reimbursement for a new science*
36 *facility, the reimbursement shall be reduced by the amount of state*
37 *bond funds, if any, received by the school district or county office*
38 *to construct the new science facility.*

39 *SEC. 17. Notwithstanding any other law, the Commission on*
40 *State Mandates shall, on or before December 31, 2005, reconsider*



1 *its decision in 97-TC-21, relating to the School Accountability*
 2 *Report Card mandate, and its parameters and guidelines for*
 3 *calculating the state reimbursement for that mandate pursuant to*
 4 *Section 6 of Article XIII B of the California Constitution for each*
 5 *of the following statutes in light of federal statutes enacted and*
 6 *state court decisions rendered since these statutes were enacted:*

7 (a) *Chapter 1463 of the Statutes of 1989.*

8 (b) *Chapter 759 of the Statutes of 1992.*

9 (c) *Chapter 1031 of the Statutes of 1993.*

10 (d) *Chapter 824 of the Statutes of 1994.*

11 (e) *Chapters 912 and 918 of the Statutes of 1997.*

12 (f) *Chapter 1168 of the Statutes of 2002.*

13 *SEC. 18. Notwithstanding any other law, the Commission on*
 14 *State Mandates shall, on or before December 31, 2005, reconsider*
 15 *its decision in 97-TC-23, relating to the Standardized Testing and*
 16 *Reporting (STAR) Program mandate, and its parameters and*
 17 *guidelines for calculating the state reimbursement for that*
 18 *mandate pursuant to Section 6 of Article XIII B of the California*
 19 *Constitution for each of the following statutes in light of federal*
 20 *statutes enacted and state court decisions rendered since these*
 21 *statutes were enacted:*

22 (a) *Chapter 975 of the Statutes of 1995.*

23 (b) *Chapter 828 of the Statutes of 1997.*

24 (c) *Chapter 722 of the Statutes of 2001.*

25 (d) *Chapter 576 of the Statutes of 2000.*

26 (e) *Chapter 773 of the Statutes of 2003.*